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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/862,830	05/22/2001	John Gregory Schroeder	AA471	8865

27752 7590 03/08/2006

THE PROCTER & GAMBLE COMPANY
INTELLECTUAL PROPERTY DIVISION
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EXAMINER

DOUYON, LORNA M

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/862,830	Applicant(s) SCHROEDER ET AL.	
	Examiner Lorna M. Douyon	Art Unit 1751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,31 and 33-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,31 and 33-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 1751

1. This action is responsive to the amendment filed on December 16, 2005.
2. Claims 1-2, 31, 33-42 are pending.
3. The rejection of claims 1, 2, 7 and 33 under 35 U.S.C. 103(a) as being unpatentable over Ehrlich (US Patent No. 4,099,912) is withdrawn in view of Applicants' amendment.
4. The rejection of claims 1, 2, 31 and 32 under 35 U.S.C. 103(a) as being unpatentable over Folland (US Patent No. 5,064,073) in view of Melville (US Patent No. 4,511,495) is withdrawn in view of Applicants' amendment.
5. **Claim 33** is objected to under 37 CFR 1.75 as being a substantial duplicate of **claim 2**.
When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).
6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
7. Claims 1-2, 33-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheok et al. (US Patent No. 5,746,353), hereinafter "Cheok" in view of Vinson et al. (US Patent

Art Unit: 1751

6,015,781), hereinafter “Vinson”, in further view of Trinh et al. (US Patent No. 5,207,933), hereinafter “Trinh ‘933”.

Cheok teaches a portable laundry detergent dispensing system which is divided into three holding containers, one for liquid detergent, one for powdered detergent and one for liquid fabric softener, and the center back compartment is a storage compartment for a measuring cup and other laundry accessories, wherein the powder dispenser is a cylindrical dump cup having an opening therein which allows a fixed amount of the solid detergent to flow into a measuring cup and the liquid detergents and softeners are dispensed with a fixed volume hand pump assembly (equivalent to a pour spout) (see abstract). The dispensing system has a plastic light weight case and a plastic cover (see col. 2, lines 55-59) and in Figure 2 it is shown that the holding containers are each in the shape of a bottle. Like all articles of commerce, the dispensing system contains a brand name. Cheok, however, fails to specifically disclose the liquid or powdered detergent, and the liquid fabric softener as having a coordinated element, i.e., perfume which provides a consistent, additive and/or synergistic odor on a treated fabric article.

Vinson teaches a granular or liquid detergent composition (see col. 64, lines 41-44) to be used in automatic laundry washing machines (see col. 61, lines 52-54) which comprises perfumes which include aldehydes, ketones, natural extracts and essences such as orange oil, lemon oil, rose extract and patchouli, among others (see col. 62, lines 44-58).

Trinh ‘933 teaches fabric conditioning compositions, preferably in liquid form, for use in the rinse cycle of home laundry operations (see abstract) which comprises perfumes (see col. 5, line 54 to col. 6, line 53). Examples of perfumes include materials such as aldehydes and patchouli alcohol (see col. 24, lines 1-19).

Art Unit: 1751

It would have been obvious to one of ordinary skill in the art at the time the invention was made to fill the holding containers of the dispensing system of Cheok with a powdered or liquid laundry detergent composition of Vinson which contains perfume like aldehydes or patchouli and a liquid fabric softener of Trinh '933 which contains perfume like aldehydes or patchouli because the dispensing system of Cheok is designed for storing and dispensing liquid or powdered laundry detergent as well as liquid fabric softener and the products of Vinson and Trinh falls into those categories, and the perfume of Vinson and Trinh '933 being similar would have provided a consistent, additive and/or synergistic odor on a treated fabric article.

8. Claims 1-2, 33-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vinson in view of Trinh '933.

Vinson teaches a granular or liquid detergent composition (see col. 64, lines 41-44) to be used in automatic laundry washing machines (see col. 61, lines 52-54) which comprises perfumes which include aldehydes, ketones, natural extracts and essences such as orange oil, lemon oil, rose extract and patchouli, among others (see col. 62, lines 44-58). Commercially marketed executions of the compositions can be packaged in any suitable container including those constructed from paper, cardboard, plastic materials and any suitable laminates (see col. 68, lines 44-49). It is also understood that the package made from cardboard is provided with a measuring cup as widely seen in cardboard detergent packages, and the plastic containers provided with a pour spout for ease of pouring as widely seen in plastic detergent containers, as well as a brand name. Vinson, however, fails to specifically disclose a kit comprising the above package with a liquid fabric conditioning composition in a bottle having a coordinated element,

Art Unit: 1751

i.e., perfume which provides a consistent, additive and/or synergistic odor on a treated fabric article.

Trinh '933 teaches fabric conditioning compositions, preferably in liquid form, for use in the rinse cycle of home laundry operations (see abstract) which comprises perfumes (see col. 5, line 54 to col. 6, line 53). Examples of perfumes include materials such as aldehydes and patchouli alcohol (see col. 24, lines 1-19). It is understood that the liquid fabric conditioning composition is packaged for commercial use in a plastic bottle container provided with a pour spout. Likewise, the package should include instructions for use and also a brand name.

It would have been obvious to one of ordinary skill in the art at the time the invention was made combine the detergent package of Vinson which contains perfume like aldehydes or patchouli with liquid fabric softener package of Trinh '933 which contains perfume like aldehydes or patchouli in a common package because it is notoriously known to use the laundry detergent and fabric softener together, and considering the products contain similar perfumes, a consistent, additive and/or synergistic odor on a treated fabric article would have been effected with their combination, during use.

9. Claims 1, 31, 34-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vinson in view of Trinh et al. (US Patent No. 5,552,378), hereinafter Trinh '378.

Vinson teaches the features as described above. Vinson, however, fails to specifically disclose a kit comprising the above package with a dryer composition in a box having a coordinated element, i.e., perfume which provides a consistent, additive and/or synergistic odor on a treated fabric article.

Art Unit: 1751

Trinh '378 teaches a dryer added fabric conditioning article comprising a rayon nonwoven fabric substrate and a fabric conditioning composition comprising Perfume C (see col. 19, lines 10-26). The major ingredients of Perfume C include materials such as aldehydes and patchouli alcohol (see col. 24, lines 1-19). It is understood that the dryer added fabric conditioning article is packaged for commercial use in a box. Likewise, the package should include instructions for use and also a brand name.

It would have been obvious to one of ordinary skill in the art at the time the invention was made combine the detergent package of Vinson which contains perfume like aldehydes or patchouli with a dryer added fabric conditioning article of Trinh '378 which contains perfume like aldehydes or patchouli in a common package because it is notoriously known to use the laundry detergent and dryer added fabric conditioning article, and considering the products contain similar perfumes, a consistent, additive and/or synergistic odor on a treated fabric article would have been effected with their combination, during use.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

Art Unit: 1751

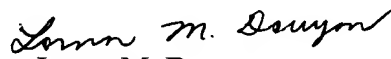
CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lorna M. Douyon whose telephone number is (571) 272-1313.

The examiner can normally be reached on Mondays-Fridays from 8:00AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on (571) 272-1029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Lorna M. Douyon
Primary Examiner
Art Unit 1751